

UNITED STATES DEPARTMENT OF COMMERCE

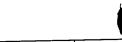
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08/944,234 10/06/97 VINCENT QM31/0402 TODD S PARKHURST GARDNER CARTON & DOUGLAS 321 NORTH CLARK SUITE 3300	B	P1178USA
GARDNER CARTON & DOUGLAS 321 NORTH CLARK SUITE 3300	EXA	WINER
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321 NORTH CLARK SUITE 3300	TUCKE	ER,G
SUITE 3300	ART UNIT	PAPER NUMBER
CHICAGO IL 60610	· 3731	
	DATE MAILED:	04/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Application No. 08/944,234

Office Action Summary

Applicant(s)

Examiner

Guy V. Tucker

Group Art Unit

Vincent et al.

p Art Unit 3309

Responsive to communication(s) filed on	·
This action is FINAL.	
Since this application is in condition for allowance except for form in accordance with the practice under Ex parte Quayle, 1935 C.	D. 11, 455 O.G. 215.
A shortened statutory period for response to this action is set to executive solutions in the mailing date of this communication. Failure to respond to become abandoned. (35 U.S.C. § 133). Extensions 37 CFR 1.136(a).	pire 3 month(s), or thirty days, whichever espond within the period for response will cause the
Disposition of Claims	to a sending in the configration
	is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration
	is/are allowed.
	is/are rejected.
	is/are objected to.
☐ Claims	are subject to restriction or election requirement.
Application Papers X See the attached Notice of Draftsperson's Patent Drawing Re	eview, PTO-948.
☐ The drawing(s) filed on is/are objected	d to by the Examiner.
The proposed drawing correction, filed on	is \square approved \square disapproved.
☐ The specification is objected to by the Examiner.	
☐ The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. § 119 Acknowledgement is made of a claim for foreign priority und	der 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the	ne priority documents have been
received.	
received in Application No. (Series Code/Serial Number	er)
received in this national stage application from the Int	ernational Bureau (PCT Rule 17.2(a)).
*Certified copies not received:	
Acknowledgement is made of a claim for domestic priority t	under 35 U.S.C. § 119(e).
Attachment(s)	
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s	5)
☐ Interview Summary, PTO-413	
☒ Notice of Draftsperson's Patent Drawing Review, PTO-948	
☐ Notice of Informal Patent Application, PTO-152	

U.S. Patent and Trademark Office

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this office action:

A person shall be entitled to a patent unless --

(B) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 13 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Noiles (4,662,891). Noiles discloses a concave form cutter (10). Note that Noiles mills in directions transverse to the longitudinal axis of the device. Note that the intended use of the claimed device has been considered but does not serve to structurally distinguish the claim over the applied reference.

Claims 1, 5-7, 13 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Frigg et al (5,041,119). Frigg et al discloses a form cutter (1) a drive means (7) and a housing (4). Note that the intended use of the claimed device has been considered but does not serve to structurally distinguish the claim over the applied reference.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(A) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Noiles. Noiles

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disclose that the device is 9 mm or smaller. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the Noiles device smaller in order to be able to use the device on very small animals.

Claims 8-12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Frigg et al. Frigg et al discloses the invention substantially as claimed as discussed above. However, Frigg et al does not disclose the mechanical expedient of a belt drive. It is well known to drive rotary devices with a belt. It would have been obvious to one having ordinary skill in the art at the time the invention was made, in view of this well known use, to drive the device of Frigg et al with a belt.

Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-18 are allowable over the prior art of record.

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Guy Tucker at telephone number (703) 308-3271. Examiner Tucker can normally be reached on Monday through Thursday from 7:00 AM to 5:30 PM, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, examiner Tucker's

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supervisor, Michael Buiz, can be reached at (703) 308-0871. The fax number for Group 3300 is (703) 305-3590 or 3591.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 3300 receptionist at (703) 308-0858.

GVT

March 22, 1998

GÚY V. TUCKER PRIMARY EXAMINER GROUP 3300